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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

2008 APR -1 AM 10:37

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Jorge HERNANDEZ-Benitez**  
**AKA: Manuel ANGUIANO-Ortiz**

Defendant.

) Magistrate Case No.

) **'08 MJ 0974**

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326;  
) Deported Alien Found in the  
) United States

The undersigned complainant, being duly sworn, states:

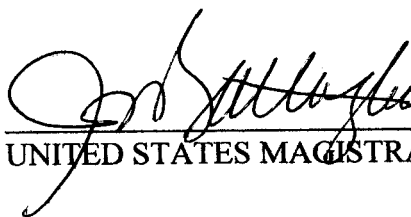
On or about, **August 09, 2007**, within the Southern District of California, defendant, **Jorge HERNANDEZ-Benitez, AKA:ANGUIANO-Ortiz, Manuel**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT  
Deportation Officer, Immigration &  
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **1st DAY OF April 2008**.



UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****NAME: HERNANDEZ-Benitez, Jorge****AKA: ANGUIANO-Ortiz, Manuel****PROBABLE CAUSE STATEMENT**

On Thursday, August 09, 2007, the defendant identified as **Jorge HERNANDEZ-Benitez** aka: ANGUIANO-Ortiz, Manuel was arrested in Escondido, California by the Escondido Police Department for violation of Health and Safety Code of California, HS11550(A) USE/UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE and booked into County Jail. On Thursday, August 09, 2007, a Special Agent with Immigration and Customs Enforcement (ICE) determined the defendant to be a citizen of Mexico and placed a Form I-247 (Immigration Detainer) pending his release from custody. On Monday, March 31, 2008, at approximately 4:15 a.m., the defendant was referred to United States Immigration and Customs Enforcement (ICE) custody. An Immigration Enforcement Agent reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about March 31, 2006 and physically removed to Mexico on or about March 31, 2006 via the San Ysidro Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) and Automated Fingerprint identification System (IAFIS) were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as **Jorge HERNANDEZ-Benitez, AKA: ANGUIANO-Ortiz, Manuel** a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.